

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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**AENERGY, S.A. and COMBINED CYCLE POWER
PLANT SOYO, S.A.,**

Plaintiffs,

- v. -

**REPUBLIC OF ANGOLA, THE MINISTRY OF
ENERGY AND WATER OF THE REPUBLIC OF
ANGOLA, THE MINISTRY OF FINANCE OF THE
REPUBLIC OF ANGOLA, EMPRESA PÚBLICA DE
PRODUÇÃO DE ELECTRICIDADE, EP, AND
EMPRESA NACIONAL DE DISTRIBUIÇÃO DE
ELECTRICIDADE,**

Angola Defendants,

- and -

**GENERAL ELECTRIC COMPANY; GENERAL
ELECTRIC INTERNATIONAL, INC.; and GE
CAPITAL EFS FINANCING, INC.**

GE Defendants.

Civil Action No.
1:20-cv-03569-AJN

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TRANSMITTAL DECLARATION OF HENRIQUE ABECASIS

Henrique Abecasis declares under penalty of perjury, under the laws of the United States of America, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am an advisor to The Republic of Angola and The Ministry of Energy and Water of the Republic of Angola ("MINEA") with respect to parallel proceedings pending in Angola, including, among others, the action filed by plaintiff Aenergy, S.A. ("Aenergy") in the Supreme Court in Luanda, Angola, challenging the termination of the parties' power plant contracts (the

“Appeal Proceeding”). *See* Abecasis Declaration dated September 18, 2020 [Dkt. 47], at ¶¶ 2, 20 and Exhibit 26. I am respectfully submitting this declaration in order to transmit a pleading, filed by Aenergy in the Appeal Proceeding only recently, that is directly relevant to the parties’ motions to dismiss and/or stay and the upcoming oral argument in this litigation. I have personal knowledge of the facts stated in this declaration.

2. Aenergy commenced the Appeal Proceeding last year, and The Republic of Angola and MINEA subsequently answered Aenergy’s petition and argued that the dispute was required to be arbitrated pursuant to the parties’ contracts. On March 25, 2021, in the Appeal Proceeding, Aenergy, determined to remain in the Angolan courthouse, formally responded for the first time and filed a “réplica,” or reply submission, contending that the dispute should be adjudicated not by arbitrators but by the Supreme Court in Luanda, and that Prodel and Ende were parties to the contracts by their own and not by delegation of MINEA.

3. A true and correct copy of Aenergy’s “réplica” or reply submission, along with a translation of excerpts of the submission, is attached to this declaration collectively as Exhibit A – *see, e.g.*, réplica articles 12-28 and 125-129 and especially articles 26 and 128. The Republic of Angola and MINEA submit Aenergy’s “réplica” at this time because its submission, expressing confidence in the Angolan judicial system, is directly relevant to the pending motions to dismiss and/or stay and the related oral argument scheduled for April 19, 2021, and because Aenergy filed the “réplica” only recently on March 25, 2021 (shortly before Aenergy filed its sur-reply in this litigation, on March 30, 2021). I accordingly and respectfully ask that the Court consider this important, new evidence.

Executed on this 16th day of April, 2021.



Henrique Abecasis